

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

W.R. GRACE & CO., *et al.*,

Debtors.

)
) Chapter 11
)

) Case No. 01-01139 (JKF)
) Jointly Administered
)

) Related to Docket No. 14092
)

) **Objections Due: February 9, 2007**
) **Hearing Date: February 26, 2007**
)
)

**FOSTER & SEAR, LLP.'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO THE W.R.
GRACE ASBESTOS PERSONAL INJURY QUESTIONNAIRE**

Foster & Sear, LLP ("Foster & Sear"), on behalf of its clients, appearing by and through its undersigned attorneys, hereby files the following Motion for an Extension of Time to Respond to the W.R. Grace Asbestos Personal Injury Questionnaire (the "Motion") and would respectfully show the Court as follows:

Foster & Sear submits the attached Declaration of Scott Wert in support of the Motion.

Foster & Sear was originally served with only around 500 questionnaires, and completed and returned all of them to Rust consulting. It has supplemented those questionnaires according to the orders of this Court. Foster & Sear will be

submitting additional questionnaires on behalf of 997 claimants.¹ Foster & Sear intends to provide these questionnaire responses in compliance with this Court's rulings, and made a good faith effort to provide the questionnaires to Grace before the January 12, 2007 deadline.² Despite this effort, Foster & Sear was unable to complete this undertaking before the deadline. With 997 questionnaires to complete, it proved to be a physical impossibility to finish the task before January 12, 2007.³

Foster & Sear respectfully requests an additional 4 months to fully comply with the required questionnaire supplementation. Foster & Sear undertakes to exercise appropriate diligence to send completed questionnaires to Rust Consulting as quickly as reasonably possible, on a rolling basis.

¹ The original 500 questionnaires were completed on behalf of those claimants for whom Grace originally provided questionnaires, and have been timely supplemented in accordance with Court orders. The additional questionnaires all arose from the proof of claim procedure, and represents additional claimants on whose behalf Foster & Sear submitted proofs of claim but had not been provided questionnaires by Grace alongside the first 500 claimants.

² As this Court noted in another context: "As I had indicated earlier, you know, some of these firms have an awful lot of claims. They may not be able to make the deadline, but I want some good faith efforts to do it." Transcript of omnibus hearing held on December 18, 2006, at page 42 (Docket No. 14205).

³ Foster & Sear is a relatively small firm, with limited personnel available for completing questionnaires and faced a significant press of work in the fourth quarter of last year – the Grace bankruptcy is far from the only case requiring attention by the law firm. Foster & Sear has been diligently working to supplement the original, properly served questionnaires and have also been attending to matters of x-ray production related to this case.

WHEREFORE, for the foregoing reasons Foster & Sear prays that it be granted an additional 4 months to complete questionnaires on behalf of its clients who did not receive and submit questionnaires under the original questionnaire order, on the understanding that it will provide Grace with the questionnaires on a rolling basis as the questionnaires are completed.

Dated: January 22, 2007

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